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Counsel to the Official Committee of Tort Claimants

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

**All papers shall be filed in the Lead Case,
No. 19-30088 (DM)*

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case)
(Jointly Administered)

**SUPPLEMENTAL DECLARATION OF
DAVID J. RICHARDSON RE: THE
OFFICIAL COMMITTEE OF TORT
CLAIMANTS' SUPPLEMENTAL BRIEF
IN SUPPORT OF ITS MOTION TO
ESTABLISH PROCEDURES FOR
DISCOVERY PRECEDING PLAN
CONFIRMATION**

Hearing

**Date: March 10, 2020
Time: 10:00 a.m. (Pacific Time)
Place: Courtroom 17
450 Golden Gate Ave., 16th Fl.
San Francisco, CA 94102**

1 I, David J. Richardson, hereby declare:

2 1. I am a member in good standing of the bar of California and I am admitted to practice
3 in the United States Bankruptcy Court in the Northern District of California. I am counsel in the
4 Los Angeles, California office of Baker Hostetler LLP, attorneys of record for The Official
5 Committee of Tort Claimants (the “**TCC**”). I have personal knowledge of the facts stated herein
6 and I could and would competently and truthfully testify to those facts if called as witness.

7 2. I submit this Supplement Declaration in support of the Official Committee of Tort
8 Claimants’ Supplemental Brief (the “**Supp. Brief**”) in Support of its Motion to Establish
9 Procedures for Discovery Preceding Plan Confirmation (the “**Motion**”).

10 3. Attached hereto as **Exhibit A** are true and correct copies of excerpts from the official
11 transcript for the hearing before this Court in the above-captioned cases held on December 17,
12 2019, at 10:00 a.m.

13 4. The TCC filed a Motion for a 2004 exam of the Debtors in April 2019 [Dkt. No.
14 1767], which sought Contractor insurance and contract information, and was approved in an order
15 entered by this Court following certain negotiations and revisions. In response to the 2004 exam
16 order and other discovery efforts undertaken by the TCC, the Debtors produced their documents
17 pertaining to the Contractors and the Contractors’ insurance/contract information over the course
18 of the following months, including information listing the Contractors most likely to be connected
19 to vegetation management, system failures and consulting issues that are related to the wildfires.
20 But the documents that the Debtors have been able to produce have been woefully insufficient to
21 address the issues that will be necessary for a reply brief that responds to a UCC Plan objection.

22 5. The following is an update on the number of issued, settled, withdrawn, and
23 contested subpoenas that have been issued by the TCC:

- 24 • 20 have been withdrawn after the parties’ initial discussions and an exchange of
25 minimal documents demonstrated that the served Contractor did not appear to have
26 conducted business related to the cause of any wildfires;
- 27 • 19 Contractors have started to produce documents pursuant to their subpoenas;
- 28 • 68 subpoenas remain outstanding.

1 The TCC has continued to engage in discussions with recipients of outstanding subpoenas,
2 including calls over the past week with counsel for multiple Contractors, both to explain the nature
3 and reasons for the TCC's discovery, and to resolve disputes. In the case of the more substantive
4 objections filed by some parties, the TCC has deferred negotiations pending a ruling on the
5 Motion's request for a procedure to resolve such objections.

6 6. The TCC considered using Rule 2004 exam motions as an alternative to subpoenas,
7 since a Rule 2004 exam has certain advantages, including a far broader scope of discovery, and no
8 requirement for a contested matter. However, as this would have placed dozens of Rule 2004
9 motions before the Court, even before objections are raised, the TCC believed that the subpoena
10 process was the better path.

11 I declare under the penalty of perjury under the laws of the United States that the
12 foregoing is true and correct and that this declaration was executed on the 9th day of March,
13 2020, in San Francisco, California.

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15 /s/ David J. Richardson
16 David J. Richardson
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